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EXAMINER

NGUYEN, KIMBERLY D

ART UNIT PAPER NUMBER

2876

DATE MAILED: 09/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/690,074

Applicant(s)

HARRIS, SCOTT C.

Examiner

Kimberly D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to because of the following reasons:

Figure 1 is badly written and unreadable.

Appropriate clarification and correction is required.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

Page 5, line 5: Item "106" is not in figure 1.

Page 6, line 2: Item "123" is not in figure 1.

Page 13, line 2: Item "500" is not in figure 5A.

Page 13, line 6: Item "510" is not in figure 5A.

Page 26, line 8: Item "1830" is not in figure 18.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "130" has been used to designate both "the special surface" and "electrical contact" (page 7, lines 2 and line 5); and "124" has also been used to designate both "supplemental battery" (page 5, line 15) and "the contact" (page 8, line 4).

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:

Page 3, line 12: The word "hear" is miss-spelled. It should be "near".

Page 8, line 3: The phrase "the contacts 134 respectively contacting the contacts 128, 124" is not properly written; it should be "the contacts 134, 136 respectively contacting the contacts 128, 124".

Figure 4 (discussed in page 19, line 1 and page 20, line 18) is not present in the drawings.

Figure 9 is not discussed in the specification.

Page 25, lines 4, 6 and 8: The phrase "the owner can said" has a grammar problem; it should be "the owner can say".

Page 25, line 10: The phrase "They can said" also has a grammar problem; it should be "They can say".

Page 22, line 16: The serial number of the co-pending application is not provided. Appropriate correction is required.

Claim Objections

5. Claim 10 is objected to because of the following informalities:

Claim 10, line 10: The word "then" is miss-spelled; it should be replaced with a "than", i.e., "by inserting a surface other than said long axis".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 9, line 2: The phrase "more completely" is as indefinite.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

9. Claims 1, 6, 9-13, 15-17, 19-20, 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Teicher et al. (US 6,257,486).

Re claims 1, 6, 9 and 19: Teicher teaches a smart card reader, which comprises a slot, having surfaces which are sized to receive a shorter edge of a rectangular credit card, and surfaces of the slot covering the credit card, the slot sized to receive, as an inserted portion, less than 1/2 of an overall length of the card's longer edge; and a circuitry, responsive to inserting the credit card, which operates to read information from the credit card when inserted (see figs. 8A-8C; col. 8, line 63 through col. 9, line 45).

Re claims 10-13, 16, 20, 22: Teicher teaches a credit card formed with a rectangular element having edges, and meeting areas between the edges, the element having a first surface

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with writing indicating a credit card number thereon, and a second surface opposite the first surface, the writing being substantially in the direction of a long axis of the rectangular element, the rectangular element also having a short axis which is substantially perpendicular to the long axis and further comprising machine readable credit card information, stored in a way which allows reading of the credit card information by inserting a surface other than the long axis into the credit card reading slot (see figs. 1A-1B and 4A-4B; col. 1, line 46 through col. 2, line 5; and col. 4, lines 36-47).

Re claims 15 and 17: Teicher teaches a credit card wherein the credit card information is stored electronically in the credit card, and the credit card further comprises terminals allowing readout of information from the credit card electronically (see fig. 3; col. 3, lines 6-58; col. 4, lines 30-34; and col. 9, lines 34-45).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2-3, 5, 7-8, 24²⁵ are rejected under 35 U.S.C. 103(a) as being unpatentable over Teicher in view of Jonstromer (US 6,142,369). The teachings of Teicher have been discussed above.

Re claims 2, 24-25: Teicher is silent with respect to the smart card reader comprising a portable phone, the slot formed in surfaces on the portable phone.

Jonstromer teaches a smart card reader, which comprises a portable phone, the slot formed in surfaces on the portable phone (see fig. 1; col. 4, lines 20-44).

Re claim 3, 5 and 7-8: Teicher teaches a smart card 400, which has electrical contacts 104 (see fig. 3; col. 5, lines 6-58). Therefore, the card reader inherently has electrical contacts from within the reader itself to read the information stored in the card over the electrical contacts. Also, Teicher teaches a smart card reader, wherein the circuitry provides power at the time of reading, the power adapted for providing a specified power amount to the credit card (see figs. 8A-8C; col. 8, line 63 through col. 9, line 45).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the smart card with mobile phone as taught by Jonstromer to the teachings of Teicher in order to add the mobile communication feature to the card reader to further provide a versatile and compact mobile-phone/card-reader system which provides a greater convenience to the users for carrying a single device rather than a plurality of devices. Accordingly, such modification would provide Teicher with a one-stop shopping (phone/card) system without the hesitation of carrying multiple devices.

12. Claims 4 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teicher et al. (US 6,257,486) in view of Yoshida (US 5,895,909). The teachings of Teicher have been discussed above.

Teicher is silent with respect to the device wherein the circuitry reads optical information from the credit card.

Yoshida teaches a device for processing a hybrid card, in which the IC card incorporates in combination an optical memory unit and/or a magnetic stripe for convenient data reading (see figs. 1 and 3; col. 1, lines 22-27; and col. 2, line 7 through col. 3, line 28).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the notoriously old and well known IC card incorporates in combination an optical memory unit as taught by Yoshida in order to add a larger capability to store information optically on the card to further take advantages of the large memory capacity and low cost maintenance/reproduction which optical memory can provide. Furthermore, other advantages of optical memory include that they are writing-once-type recording media and hence the information recorded thereon can hardly be altered fraudulently to make them highly reliable.

13. Claims 14 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teicher in view of Halpern (US 4,877,950). The teachings of Teicher have been discussed above.

Teicher is silent with respect to the credit card reading slot, which is sized to accept a corner of the credit card.

Halpern teaches a credit card reader which has a displaceable concave portion and the handheld personal payment device in which the active flux carrying conductors are embedded in such a manner that relatively large angular shifts between the two parts do not interfere with the efficiency of the coupling ore the speed of the transaction (see figs. 1-2 and 7-8; col. 2, lines 35-68; and col. 3, line 19 through col. 4, line 2).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the notoriously old and well known credit card reader unit

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with a displaceable concave slot as taught by Halpern to the teachings of Teicher in order to provide versatile and compact card reader system which offers a greater convenience to the users for carrying the device.

14. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Teicher in view of Bertina et al. (US 6,145,739). The teachings of Teicher have been discussed above.

Teicher is silent with respect to the serial communication device in the card.

Bertina teaches a credit card, which comprises a serial communication device in the credit card, wherein the credit card information is stored electronically in the credit card and the credit card further comprises electronic terminals allowing readout of the credit card information from the credit card, the readout comprising communicating with the electronic information via the serial communication device (see fig. 1; col. 7, line 60 through col. 8, line 42).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the smart card with serial communication device as taught by Bertina to the teachings of Teicher in order to have a card with the ability to communicate independently with the information in the credit card without the necessary external communication device (i.e., an external battery from the ATM station), which provides a great convenience to the users for its mobility.

15. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Teicher in view of Bernstein et al. (US 4,608,486). The teachings of Teicher have been discussed above.

Although, Teicher teaches an audio beep goes on each time the user enters a symbol into smart card keypad (see col. 15, lines 15-28); he is silent with the card/reader, which issues an audible indication when the transaction is complete.

Berstein teach a credit card reader, which issues an audible indication when the reader is completed reading the information from the credit card (see fig. 1; col. 9, line 57 through col. 10, line 26).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the smart card reader with an audible signal indicating that the reading from the card is complete as taught by Bernstein to the teachings of Teicher in order to have a card reader system with the capability to confirm/alert users with an audible signal to further let the users know that the communication/transaction is completed. Furthermore, this audible feature would alert users when the communication/transaction is finished which prevents users from leaving an open information from the card unintentionally. Accordingly, such modification would further serve the users with a more secure system.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Novis et al. (US 5,867,795) teaches a portable electronic device with a virtual image display position within a housing or a remote unit, capable of providing an image of information contained on a smart card as well as transactions processed in response to data transmitted by a two-way voice transceiver between a host database and the portable electronic device. Postlewaite et al. (US 6,015,092) teaches a smart card reader having angled smart card holder. Pellaumail et al. (US 6,409,086) teaches a wireless system for self-service shopping, which includes a customer identification device with an optically readable code, a portable terminal that includes an optical reader etc. Johnson (US 6,186,402) teaches a credit and smart card reader for processing bent, bowed extremely warped, or cut credit, or smart cards.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 703-305-1798. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-1341 for regular communications and 703-305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-8792.

Kimberly D. Nguyen
August 27, 2002


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